REMARKS

This Amendment and Response are filed in reply to the Office Action dated February 2, 2004. In this Response, Applicants amend independent claims 1, 17, 25, 27, 43, 51, and 53, and traverse the Examiner's rejection of Applicants' claims. Support for the amendments can be found in the originally filed disclosure in pages 26-45. Amendments to the claims are not an acquiescence to any of the rejections. Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends. Furthermore, any amendments to the claims are being made solely to expedite prosecution of the instant application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application.

Upon entry of the Amendment, claims 1-2, 4-28, 30-49, and 51-54 are pending in the present application. The issues of the February 2, 2004 Office Action are presented below with reference to the Office Action.

With regard to the Office Action, paragraphs 1-2: Applicants thank the Examiner for entering the amendments filed on October 31, 2003.

With regard to the Office Action, paragraph 3: Claims 1-2, 4-28, 30-49, and 51-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Contois (U.S. Patent No. 5,864,868) in view of Arons et al. (U.S. Patent No. 6,529,920) and further in view of Flickner et al. (U.S. Patent No. 6,577,329). Applicants amend independent claims 1, 17, 25, 27, 43, 51, and 53, and traverse the rejection of the claims.

Applicants' claims are directed to choosing multimedia presentations by selecting multimedia data items/indices extracted from the presentations. The application provides an example in which "one multimedia presentation may include four media streams ... [which] may

14

include, for example, view graphs, an audio stream, a video stream and speaker notes. ... [One] of the media types associated with the presentation is chosen as the indexing media. ... [Using] the previously described four media streams, view graphs may be used [as] an index." (application, p.42 line 9 - p.43 line 19). Then, "selection of particular portions of a medium, such as selecting a portion of a video frame to be used as ... an index, may be done in an automated fashion as well as a manual fashion, or in combination." (application, p.45 lines 11-14). Thus, Applicants' multimedia data items/indices are portions of a stream and/or presentation. These multimedia data items are *presented separately from their corresponding streams*, in a variety of manners and layouts as described in Applicants' FIGs. 8-14 and in the corresponding descriptions in pages 26-40 of the application. Thus, the multimedia data items are *presented separately from their corresponding streams/presentations*.

Accordingly, Applicants have amended independent claim 1 to recite, among other things: providing one or more multimedia data items, each of said one or more multimedia data items being a duplicate of a portion of a corresponding one of said plurality of multimedia presentations, and presenting said one or more multimedia data items using a browser, said one or more multimedia data items being *presented separately from said plurality of multimedia presentations*.

Applicants submit that the combination of Contois, Arons et al., and Flickner et al., does not teach all of the features of independent claim 1. With respect to page 4 of the Office Action, Applicants agree with the Examiner's statement that "the combination of Contois and Arons is silent on 'each of the one or more multimedia data items being a duplicate of a portion of a corresponding one of the [plurality] of multimedia presentations.'" Since Contois and Arons et al. do not teach Applicants multimedia data items, they therefore do not teach "presenting said one or more multimedia data items using a browser, said one or more multimedia data items being *presented separately from said plurality of multimedia presentations*," as recited in independent claim 1.

Applicants submit that Flickner et al. also do not teach the feature in independent claim 1 of "presenting said one or more multimedia data items using a browser, said one or more multimedia data items being *presented separately from said plurality of multimedia presentations*." Flickner et al. teach "a system which integrates eye-tracking technology with ticker-like interfaces." (Flickner et al., col. 2 lines 48-50). Flickner et al. describe that "ticker

15

items follow a pre-determined pattern of motion," and provide as an example "a stock ticker [that] is scrolling stock items from left to right on the bottom of the screen of [a] display." (Flickner, col. 5 lines 14-39). Assuming that the Examiner characterizes a ticker as a stream/presentation, the only teaching in Flickner et al. of a duplicate of a portion of a stream/presentation, as claimed in independent claim 1, is in col. 10 line 62 - col. 11 line 1, where it is recognized that a ticker having a large set of distinct ticker items has a long cycle time, so advertisers could pay more to have duplicate ticker items appear many times during each ticker cycle. Flickner et al. present these duplicate ticker items (e.g., data items) by *presenting them within a ticker* (e.g., presentation/stream). In contrast, Applicants' independent claim 1 recites presenting multimedia data items that are duplicates of portions of corresponding multimedia presentations by *presenting the data items separately from the multimedia presentations*. As previously provided herein, Applicants' multimedia data items serve as indices into the multimedia presentations/streams. These multimedia data items/indices are *presented separately from the multimedia presentations/streams*. Flickner et al. do not teach this feature anywhere. Accordingly, Flickner et al. do not teach the feature in independent claim 1 of "presenting said one or more multimedia data items using a browser, said one or more multimedia data items being presented *separately from said plurality of multimedia presentations*."

Furthermore, while the Examiner proposes modifying Contois with the teaching in Flickner et al. of presenting duplicate data items within a multimedia stream/presentation, it is unclear how Contois is to be modified with such teaching to provide Applicants' independent claim 1. Specifically, in page 3 of the Office Action, the Examiner equates Applicants' feature in independent claim 1 of "selecting a first of said one or more *multimedia data items*" with the teaching in Contois of selecting one or more of the *data field items* under the data fields "Category", "Composer", "Artist", and "Selected Songs", as shown in FIGs. 6-8 of Contois and described in col. 12 lines 13-67. Thus, it would seem that the Examiner considers the data field items in FIG. 6 of Contois to be Applicants' multimedia data items. However, the data field items in Contois are not part of a multimedia stream, while Flickner et al. specifically teach that data items (e.g., ticker items) appear in the multimedia stream (e.g., ticker). To modify Contois with Flickner et al., the "multimedia data items" in Contois must already be part of a multimedia stream. Then, applying Flickner et al. to Contois would entail modifying the multimedia stream

16

to contain duplicate data items, as taught in Flickner et al. However, Contois does not provide any teaching of a multimedia data item that is part of a multimedia stream. Thus, there is no multimedia data item in Contois that can be modified with the teaching in Flickner et al. Accordingly, for at least this reason, Applicants consider that there is no expectation of success in the Examiner's proposed combination of Flickner et al. with Contois. Further, there is no motivation for a proposed combination which cannot be realized.

As the Examiner knows, and based at least on MPEP 2143, a prima facie case of obviousness under 35 U.S.C. 103(a) requires (1) a suggestion or motivation in the references themselves or generally known in the art, to combine the references, (2) a reasonable expectation of success to combine, and (3) a teaching, via the combination, of all the claimed limitations. *In re Vaeck*, 947 F. 2d. 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As provided herein, none of Contois, Arons et al., or Flickner et al., alone or in combination, provides the feature in independent claim 1 of "presenting said one or more multimedia data items using a browser, said one or more multimedia data items being presented *separately from said plurality of multimedia presentations*." Furthermore, as provided herein, there is no motivation to combine or expectation success in the proposed combination of Flickner et al. with Contois. Accordingly, a prima facie case of obviousness is not established with respect to independent claim 1.

Similar to independent claim 1, independent claims 17, 25, 27, 43, 51, and 53 recite a multimedia data item that is a duplicate of a portion of a multimedia presentation, and presenting the multimedia data item separately from the multimedia presentation. For the same reasons as provided herein relative to independent claim 1, a prima facie case of obviousness is also not established for independent claims 17, 25, 27, 43, 51, and 53, based on the proposed combination of Contois, Arons et al., and Flickner et al. Applicants thus similarly traverse the Examiner's rejection of independent claims 17, 25, 27, 43, 51, and 53.

Applicants thus consider independent claims 1, 17, 25, 27, 43, 51, and 53 to be allowable. Claims 2 and 4-16 depend upon allowable independent claim 1, claims 18-24 depend upon allowable independent claim 17, claim 26 depends upon allowable independent claims 25, claims 28 and 30-42 depend upon allowable independent claim 27, claims 44-49 depend upon allowable independent claim 43, claim 52 depends upon allowable independent claim 51, and claim 54

17

depends upon allowable independent claim 53. Therefore, dependent claims 2, 4-16, 18-24, 26, 28, 30-42, 44-49, 52, and 54 are also allowable for depending upon an allowable base claim.
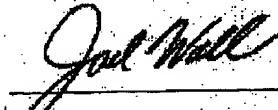
18

Conclusion

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

Respectfully submitted,

Date: May 5, 2004

Joel Wall
Attorney for Applicants
Registration No. 25,648

Verizon Corporate Services Group Inc.
c/o Christian Andersen
600 Hidden Ridge, HQE03H14
Irving, TX 75038
Tel.: (972) 718-4800
CUSTOMER NO. 32127

19